

REMARKS

In the July 20, 2007, Office Action, the U.S. Patent and Trademark Office (hereinafter "the Office") reopened prosecution after applicants' Appeal Brief was filed and following the Notice of Appeal. In the latest Office Action, the Office rejected Claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of U.S. Patent No. 6,909,382 ("Trell"), and further in view of the teachings of U.S. Patent No. 6,184,803 (hereinafter "Burrell, IV"). Without admitting to the propriety of the rejections, applicants have amended Claims 1, 14, 24, and 25 to clarify the claimed invention and to bring forth what was inherent in those claims. Applicants are unable to find and the Office has failed to show where the cited and applied references teach:

determining if the detected actuation was created by the actuation of one key or the substantially simultaneous actuation of two keys by using a stored clock signal to detect a delay for substantially simultaneous actuation of multiple adjacent keys or otherwise the actuation of one key, the act of determining being not executed if a result of an all keys released test is negative, and the act of determining being executed if the result of the all keys released test is positive, enabling a clock from which the stored clock signal originates

as recited by Claims 1 and 14, albeit in different manners.

The reference Burrell, IV was originally used by the Office two years ago to reject the claimed invention but it was subsequently withdrawn. The defects connected with Burrell, IV are not cured by its resurrection. To fairly understand what Burrell, IV discloses, applicants present the text here in full:

In the telephone industry, it is well known that the depression of any given button on a standard twelve button telephone keypad generates one of twelve pairs of audio tones on the "touch tone" phone, or its digital data counterpart on a digital phone. This invention takes advantage of the customary arrangement of the markings on the face of the standard push-button telephone keypad. When one button is depressed, it produces the numerical value of the key depressed (except for the left star "*" key and

the pound "#" key). When the left star "*" key is depressed once, the phone or apparatus enters a continuous upper-case alphabetic mode to produce the letters of the alphabet or a space. Depressing the key with the desired alphabetical data shown in FIG. 3, in simultaneous combination with or followed by the left star "*" key for the left position data, the middle zero "0" key for the center position data, or the right pound "#" key for the right position data produces the desired alphabetic data, which is shown in FIGS. 5A and 5B. (Emphasis provided.)

See Col. 7, lines 28-46. There is nothing in this portion of Burrell, IV that discloses the claimed limitation. For example, the claimed invention requires that:

if the detected key actuation was created by the actuation of one key chosen from a group of "1", "2", "3", "4", "5", "6", "7", "8", "9", "*", "0", and "#", entering the item that is a letter associated with the one key that is respectively chosen from a group of "g", "b", "e", "i", "k", "n", "q", "u", "x", "s", all caps mode, and backspace function.

In contrast, Burrell, IV discloses that "[w]hen one button is depressed, it produces the *numerical value* of the key depressed." See Burrell, IV at Col. 7, lines 34-37. In order for Burrell, IV to produce a letter, it requires that the star "*" key is the depressed. Figures 5A and 5B of Burrell, IV confirm this conclusion. All the letters in the matrix illustrated by Figures 5A and 5B require that a two-key combination is depressed to produce an alphabetic letter.

CONCLUSION

Because the Office has failed to state a *prima facie* case of obviousness, the rejections should be withdrawn. Independent Claims 1, 13, and 14 are clearly patentably distinguishable over the cited and applied references. Claims 2-12 and 15-25 are allowable because they depend from allowable independent claims and because of the additional limitations added by those claims. Consequently, reconsideration and allowance of Claims 1-25 are respectfully requested.

Respectfully submitted,

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